

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

THE COLEMAN COMPANY, INC.

Plaintiff/Counterclaim Defendant,

v.

TEAM WORLDWIDE CORPORATION,

Defendant/Counterclaim Plaintiff.

C.A. No: 2:20-cv-351-RGD

JURY TRIAL DEMANDED

**PLAINTIFF THE COLEMAN COMPANY, INC.’S
MEMORANDUM IN SUPPORT OF ITS MOTION FOR LEAVE TO
FILE CERTAIN DOCUMENTS UNDER SEAL**

Plaintiff The Coleman Company, Inc., by counsel, submits this Memorandum in Support of its Motion to Seal pursuant to Local Civil Rule 5. Coleman’s Motion to Seal seeks to seal the following documents: Exhibits B, C, D, and E to the Memorandum in Support of its Motion for Sanctions (collectively, the “Proposed Sealed Documents”).

In support of this position, Plaintiff states:

1. There are three requirements for sealing court filings: (1) public notice with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See, e.g., Flexible Benefits Council v. Feltman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)).

2. TWW has designated the information in Exhibits B, C, and D confidential under the protective order. Coleman does not believe that the information in these warrants sealing, because TWW originally did not designate Exhibit B as confidential until January 5, 2022, and

the information in Exhibits C and D is substantially the same as Exhibit B. Similarly, Exhibit E contains testimony on the same subject as Exhibit B (the compensation of TWW's expert) and Coleman also believes that sealing that Exhibit is not appropriate. Nonetheless, Coleman files these documents under seal in accordance with the terms of the protective order.

3. Plaintiff has met the public notice requirement by filing a separate Notice of the Motion to Seal for docketing. Public Notice of the Motion to Seal is satisfied by docketing the motion "reasonably in advance of deciding the issue." *In re Knight Publ'g*, 743 F.2d at 235 (cited by *Ashcraft*, 218 F.3d at 302). Short of the filing of the Proposed Sealed Documents under seal, there are no less drastic alternatives that appropriately enable the Defendants to comply with the Agreed Protective Order and preserve the confidential nature of the materials.

4. The third *Ashcraft* consideration is satisfied by the findings of fact in the Proposed Order accompanying this Memorandum.

5. Plaintiff has forwarded *in camera* copies of the Proposed Sealed Documents to the Court.

6. By filing the Proposed Sealed Documents under seal, and those exhibits that do not need to be filed under seal in the public record, Plaintiff has made all reasonable efforts to limit its redactions in compliance with the law of this Circuit.

7. The Proposed Sealed Documents should remain sealed until forty-five (45) days after the final resolution of this matter and then, returned to counsel.

Accordingly, and in satisfaction of the requirements of Local Rule 5, Defendant respectfully asks the Court to enter the proposed order to maintain under seal the Proposed Sealed Documents and make public those exhibits that do not need to be filed under seal.

Dated: January 6, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2022, a copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered users.

Dated: January 6, 2022

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